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February 3, 2025

VIA ECF

Hon. Arun Subramanian
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007
(212) 805-0238

Re: *Nike, Inc. v. lululemon usa inc.* (Case No. 1:23-cv-00771-AS)
Motions *in Limine* to File Under Seal

Dear Judge Subramanian:

Pursuant to paragraph 11(C)(ii) of Your Honor's Individual Practices ("Individual Practices"), Defendant lululemon usa, inc. ("lululemon") by and through its undersigned counsel, respectfully requests leave to file under seal a portion of its Motions *in Limine*. lululemon submits this request because its Motions *in Limine* contains and attaches information and material that Nike has designated confidential in accordance with the Protective Order in this Case. ECF No. 54.

lululemon's Motions *in Limine* summarizes, cites, and includes as exhibits, documents that Nike has designated "Highly Confidential – Attorneys' Eyes Only" ("AEO") under the Protective Order. These documents contain Nike's internal business information and information related to certain agreements. In accordance with paragraph 11(C)(ii) of Individual Practices, lululemon's Motions *in Limine* is being filed contemporaneously with this letter motion.

lululemon's Motions *in Limine* also summarizes and cites documents that lululemon designated AEO under the Protective Order. These documents contain information related to an unconsummated, confidential business transaction that lululemon considered entering into with a third-party. These materials are highly confidential and competitively sensitive. Their disclosure could cause lululemon competitive harm as their public disclosure could give competitor's insight into lululemon's considerations for potential business transactions. As such, lululemon respectfully submits they should be sealed.

As set forth in the Court's Order dated January 30, 2025 (ECF No. 275), the parties will meet and confer to narrow the scope of any sealing request, will prepare narrowly-tailored redactions of any non-public materials and will respond to all motions to seal filed with the pre-trial filings on February 3 and 12 by March 28, 2025.

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Very truly yours,

/s/ Ali S. Razai
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